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|---|-------------|----------------------|---------------------|------------------|
| 09/560,392  | 04/28/2000  | Michael Wayne Brown  | AUS000029US1        | 3336             |
| 42640 7590 10/21/2008<br>DILLON & YUDELL LLP<br>8911 NORTH CAPITAL OF TEXAS HWY<br>SUITE 2110<br>AUSTIN, TX 78759 |             |                      |                     |                  |
| EXAMINER  |             |                      |                     |                  |
| DURAN, ARTHUR D   |             |                      |                     |                  |
| ART UNIT  |             | PAPER NUMBER         |                     |                  |
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte:* MICHAEL WAYNE BROWN,  
KELVIN RODERICK LAWRENCE,  
AND MICHEL A. PAOLINI

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Application No. 09/560,392  
Technology Center 3622

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Mailed: October 21, 2008

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Before KRISTA ZELE *Deputy Chief Appeals Administrator*  
ZELE, *Deputy Chief Appeals Administrator*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on July 14, 2008. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter requiring attention prior to docketing.

**APPEAL BRIEF, CLAIMS APPENDIX**

A review of the Appeal Brief filed May 25, 2007 reveals that claim 55 in the Claims appendix of the Appeal Brief is not in proper format and/or are not consistent as amended in the last entered amendment filed on November 30, 2005. The copy of the claims should be in proper format and should not include any markings such as brackets or underlining except for claims in a reissue application in accordance with 37 CFR 41.37(c)(1)(viii). Furthermore, the Claims Appendix cannot assume entry of After Final Submissions for which an Advisory Action (or other Office communication) has not advised of entry. *See also Manual of Patent Examining Procedure* (MPEP) § 1205.02 (8<sup>th</sup> ed. Rev. 6, Sept 2007) for details.

Specifically, claim 55, as provided in the Brief's Claims Appendix, reads: “. . . wherein said particular transmittable data comprises an extensible mark-up . . .”

However, in the last entered Amendment dated November 30, 2008, claim 55, and reads: “. . . wherein said particular transmittable data **format** comprises an extensible mark-up . . .” Appropriate correction of all claims provided in the Claims Appendix in proper format is required.

**CONCLUSION**

Accordingly, it is

ORDERED that the application is returned to the Examiner to:

1) correction of the Claims Appendix of the Brief filed May 25, 2007;

and

2) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

KZ/dal

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